

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: KATHY DIANE BOWEN,	{	CHAPTER 13
	{	
	{	
DEBTOR(S)	{	CASE NO. R20-40706-BEM
	{	
	{	JUDGE ELLIS-MONRO

OBJECTION TO CONFIRMATION

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.
2. The Plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (109 months).
3. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i). Therefore, the Trustee requires that the Debtor(s) provide the Trustee with a sworn statement by the Debtor(s), in addition to the tax return, which states that the tax return provided is a true copy of the most recent tax return filed.
4. The Debtor(s) has proposed to make payments directly to the Trustee but should be required to have them remitted by payroll deduction.
5. Pursuant to the testimony at the meeting of creditors, it appears that the Debtor's non-filing spouse is presently unemployed causing the present plan and budget to be infeasible, in violation of 11 U.S.C. Section 1325(a)(6).

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6. The Debtor(s)' Statement of Financial Affairs is inaccurate and/or incomplete; the Trustee is unable to determine the feasibility of the proposed plan. 11 U.S.C. Section 1325(a)(6); specifically, questions four (4) and five (5) fail to disclose the Debtor's non-filing spouse's income and the Debtor's social security income.

7. The schedules provide that Altra Real Estate has a secured claim(s); however, the Chapter 13 Plan fails to provide for said creditor(s).

8. The Chapter 13 Plan is not feasible as the sum of the equal monthly payments to creditors is greater than the monthly plan payment, in violation of 11 U.S.C. Section 1325(a)(6).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

_____/s/_____
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
GA Bar No. 142399

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CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

DEBTOR(S):

KATHY DIANE BOWEN
1160 OLD ROME DALTON ROAD, NW
CALHOUN, GA 30701-8008

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES, LLC

This 29th day of April 2020

_____/s/_____
Albert C. Guthrie, Attorney
for Chapter 13 Trustee
State Bar No. 142399

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